

EXHIBIT A

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August 10, 2005

VIA FACSIMILE AND E-MAIL

David J. Silbert, Esq.
Keker & Van Nest LLP
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**Re: *In re Acacia Media Technologies*
No. C 05-1114 (MDL 1665)**

Dear David:

This is in response to your letter of yesterday regarding the support for the supplemental matters, set forth in my letter of August 8, on which Acacia's experts may testify on September 8 and 9. All this information was already known by you, since it was in our recent brief.

In addition to the subject matter discussed in the declarations dated October 20, 2004, the support for each of the supplemental matters is set forth below:

1. Testimony that the sequence encoder (time encoder) performs functions other than transforming digital data blocks into a group of addressable data blocks.

Support: The specification of the '702 patent describes four functions for the sequence encoder (time encoder):

- (1) receives converted formatted audio and video information from the converter 113 ('702 patent, 7:54-59);
- (2) performs time encoding by assigning relative time markers to the audio and video data as it passes from the

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converter through the time encoder and delivers time encoded audio and video data to the precompression processor ('702 patent, 8:6-9);

(3) places formatted information into a sequence of addressable data blocks and delivers the sequence of addressable data blocks to the precompression processor ('702 patent, 7:50-57; 8:6-9; 8:46-49); and

(4) places blocks of converted formatted information from converter 113 into a group of addressable data blocks ('702 patent, 7:57-59).

2. Testimony that there is nothing in the patent specification or in the claims which states or implies that, in order to qualify as a time encoder, the time encoder must only transform digital data blocks into a group of addressable data blocks.

Support: '702 patent specification and claims.

3. Testimony that claim 7 of the '702 patent does assist one of ordinary skill in the art to understand that the "sequence encoder" of claim 1 is a "time encoder."

Support: Claim 7 depends from claim 1. Claims 1 and 7 are presumed to have a different scope. Claim 7 adds the functional limitation that the "sequence encoder transforms digital data blocks into a group of addressable data blocks." The functional limitation of claim 7 further defines a particular capability of the sequence encoder, which is not expressly described in claim 1. Other functions of the sequence encoder (time encoder) than that single function described in claim 7 are clearly described in the patent specification (see, No. 1, above).

4. Testimony that claim 7 of the '702 patent would have been understood by a person of ordinary skill in the art in January 1991 as a time encoder that transforms digital data blocks into a group of addressable data blocks.

Support: '702 patent, 7:57-59.

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We are confident that this responds to your letter of August 9, 2005 and
fully complies with the parties' agreement.

Very truly yours,



Alan P. Block

APB:sab

cc: All counsel on attached distribution list (via facsimile and e-mail)

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